



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

J. Mark Davis

Serial No.: 10/767,338

Filed: January 30, 2004

EXERCISE DEVICE

) PATENT  
)  
) GROUP: 3764  
)  
) EXAMINER: Jerome W. Donnelly  
)  
) CUSTOMER NO.: 25269  
)  
) CONFIRMATION NO.: 5224

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INFORMATION DISCLOSURE STATEMENT

United States Patent and Trademark Office  
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401 Dulany Street  
Alexandria, VA 22314

February 7, 2008

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the information item(s) listed on the attached PTO-1449. Copies of any foreign patent documents or non-patent literature documents are attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the item(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date, OR (b) before the mailing date of a first Office Action on the merits in the present application, OR (c) accompanies a Request for Continued Examination. No certification or fee is required. However, please charge any fee deficiency or credit any overpayment to Deposit Account No. 04-2223 as needed to ensure consideration of the disclosed information.

☐ The references listed on the enclosed PTO-1449 were cited in the search report issued in foreign priority Application No. \_\_\_\_\_. A copy of the search report is enclosed.

☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent

office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1)

- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☐ c. A check in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p). Please charge any fee deficiency or credit any overpayment to Deposit Account No. 04-2223 as needed to ensure consideration of the disclosed information.
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Please charge Deposit Account No. 04-2223 in the amount of \$180.00 for the petition fee under 37 CFR §1.17(i)(1). In addition, please charge any fee deficiency or credit any overpayment to Deposit Account No. 04-2223.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

Dykema Gossett PLLC  
Franklin Square, Third Floor West  
1300 I Street, NW  
Washington, DC 20005  
Tel: (202) 906-8600  
E-mail: ipmail@dykema.com

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: 

Adesh Bhargava  
Registration No. 46,553